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Docket No.: 00131-00281-US1  
(PATENT)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-6300, on the date shown below.	
Dated: <u>8.15.2005</u>	Signature: <u>Judy D. Pickett</u> (Judy D. Pickett)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Janusz Murakowski et al.

Application No.: 10/707,854

Confirmation No.: 1853

Filed: January 16, 2004

Art Unit: 2823

For: ETCHLESS FABRICATION OF PLANAR  
PHOTONIC CRYSTAL STRUCTURES IN  
HIGH REFRACTIVE INDEX MATERIAL

Examiner: F. L. Toledo

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed July 19, 2005 (Paper No. 20050712), Applicant hereby provisionally elects Claims 5-16 for continued examination, without traverse.

The Examiner has required restriction between Invention I, Claims 1-4, drawn to a device, classified in Class 257, Subclass 1+; and Invention II, Claims 5-16, drawn to a method, classified in Class 438, Subclass 031. The Examiner believes that inventions I and II are related as process of making and product made. In the present invention, the Examiner found that the device can be achieved by drilling, milling, ablating or etching the membrane to have the holes.

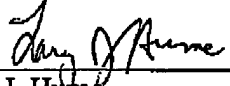
Application No.: 10/707,854

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 00131-00281-US1 from which the undersigned is authorized to draw.

Dated: August 15, 2005  
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Respectfully submitted,

By   
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